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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,460	08/22/2003	Kenneth S. Collins	006915/P9	8493

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EXAMINER

ARANCIBIA, MAUREEN GRAMAGLIA

ART UNIT

PAPER NUMBER

1763

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/646,460	Applicant(s) COLLINS ET AL.	
	Examiner Maureen G. Arancibia	Art Unit 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/03; 11/03; 4/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 5/04; 3/05; 5/05</u> .             |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-4 and 6-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,321,134 to Henley et al. (from Applicant's IDS) in view of U.S. Patent 5,571,366 to Ishii et al.**

In regards to Claim 1, Henley et al. teaches a system for processing a workpiece, comprising: (A) a plasma immersion ion implantation (PIII) reactor (Figure 4), comprising: an enclosure 422 comprising a side wall and a ceiling and defining a chamber 414; a workpiece support pedestal 465 within the chamber having a workpiece support surface facing said ceiling and defining a process region extending generally

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across said wafer support pedestal; an inductively coupled source power applicator 440; and an RF plasma source power generator 466 coupled to said inductively coupled source power applicator for inductively coupling RF source power into said process zone; (B) a second wafer processing apparatus (Column 4, Lines 18-40; Column 6, Lines 18-27); and (C) a wafer transfer apparatus 20 for transferring said workpiece between said plasma immersion ion implantation reactor and said second wafer processing apparatus. (Figures 1 and 3)

In regards to Claims 1 and 13-22, Henley et al. does not teach a gas distribution apparatus or an RF bias generator having an RF bias frequency of any of the claimed values and coupled to said workpiece support pedestal.

Ishii et al. teaches a inductively coupled plasma apparatus (Figure 1), comprising a gas distribution apparatus 20 and an RF bias generator 19 having an RF bias frequency of about 2 MHz coupled to a workpiece support pedestal 4. (Column 5, Line 56 - Column 6, Line 16)

It would have been obvious to one of ordinary skill in the art to modify the PIII reactor taught by Henley et al. to include a gas distribution apparatus and an RF bias generator with a frequency of about 2 MHz coupled to the workpiece support pedestal. The motivation for including a gas distribution apparatus, as taught by Ishii et al. (Column 6, Lines 5-6), would have been to uniformly supply the process gas to the process region. The motivation for including an RF bias generator with a frequency of about 2 MHz coupled to the workpiece support pedestal, as taught by Ishii et al.

(Column 5, Lines 57-62), would have been to effectively emit the flow of the plasma onto the target surface of the workpiece.

The gas distribution apparatus taught by the combination of Henley et al. and Ishii et al. would be inherently capable of introducing process gas containing a first species to be ion implanted into a layer of the workpiece. The RF bias with a frequency of about 2 MHz coupled to the workpiece support pedestal taught by the combination of Henley et al. and Ishii et al. would inherently meet the limitations of Claims 13-18, depending on the other process settings of the plasma reactor. Moreover, the frequency of about 2 MHz meets the limitations recited in Claims 19-22. Finally, the plasma reactor taught by the combination of Henley et al. and Ishii et al. would still be capable of performing plasma immersion ion implantation, based on the process settings. This rejection is based on the fact the apparatus structure taught above has the inherent capability of being used in the manner intended by the Applicant. When a rejection is based on inherency, a rejection under 35 U.S.C. 102 or U.S.C. 103 is appropriate. (See *In re Fitzgerald* 205 USPQ 594 or MPEP 2112).

In regards to Claim 2, Henley et al. teaches a cleaning species source plasma reactor 24 (Column 11, Line 60 - Column 12, Line 7), which would inherently comprise a source of cleaning species precursor gases in order to be able to generate a plasma. Henley et al. also teaches a passage (*wafer transfer chamber*, Figure 3) coupling said cleaning plasma reactor to the plasma immersion ion implantation reactor.

In regards to Claims 3 and 4, the particular type of gas used is a process limitation rather than an apparatus limitation, and the recitation of a particular type of

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gas does not limit an apparatus claim, see *In re Casey*, 152 USPQ 235; *In re Rishoi*, 94 USPQ 71; *In re Young*, 25 USPQ 69; *In re Dulberg*, 129 USPQ 348; *Ex parte Thibault*, 64 USPQ 666; and *Ex parte Masham*, 2 USPQ2d 1647. This rejection is based on the fact the apparatus structure taught by Henley et al. has the inherent capability of being used in the manner intended by the Applicant. When a rejection is based on inherency, a rejection under 35 U.S.C. 102 or U.S.C. 103 is appropriate. (See *In re Fitzgerald* 205 USPQ 594 or MPEP 2112).

In regards to Claim 6, Henley et al. teaches that the processing system can comprise an ion beam implantation apparatus (Column 14, Lines 25-26).

While Henley et al. does not expressly teach that the processing system can include both the PIII apparatus and an ion beam implantation apparatus, it would have been obvious to one of ordinary skill in the art to include both of these apparatuses in the system. The motivation for doing so would have been to perform further processing on the workpiece.

Such a system would be inherently capable of implanting a second species into a layer of the workpiece. This rejection is based on the fact the apparatus structure taught above has the inherent capability of being used in the manner intended by the Applicant. When a rejection is based on inherency, a rejection under 35 U.S.C. 102 or U.S.C. 103 is appropriate. (See *In re Fitzgerald* 205 USPQ 594 or MPEP 2112).

In regards to Claim 7, the inclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims. *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F.2d 937, 136 USPQ

458, 459 (CCPA 1963)). Also, the particular types of species to be implanted are process limitations rather than apparatus limitations, and the recitation of which does not limit an apparatus claim, see *In re Casey*, 152 USPQ 235; *In re Rishoi*, 94 USPQ 71; *In re Young*, 25 USPQ 69; *In re Dulberg*, 129 USPQ 348; *Ex parte Thibault*, 64 USPQ 666; and *Ex parte Masham*, 2 USPQ2d 1647. This rejection is based on the fact the apparatus structure taught by Henley et al. and Ishii et al. has the inherent capability of being used in the manner intended by the Applicant. When a rejection is based on inherency, a rejection under 35 U.S.C. 102 or U.S.C. 103 is appropriate. (See *In re Fitzgerald* 205 USPQ 594 or MPEP 2112).

In regards to Claim 8, it has been held that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Moreover, a second PIII reactor would be capable of implanting any species into a layer of the workpiece. This rejection is based on the fact the apparatus structure taught by Henley et al. and Ishii et al. has the inherent capability of being used in the manner intended by the Applicant. When a rejection is based on inherency, a rejection under 35 U.S.C. 102 or U.S.C. 103 is appropriate. (See *In re Fitzgerald* 205 USPQ 594 or MPEP 2112).

In regards to Claim 9, see the discussion of Claim 7.

In regards to Claim 10, Henley et al. teaches an anneal chamber 303. (Column 12, Lines 8-16)

In regards to Claim 11, the plasma etching chamber 301 taught by Henley et al. (Column 12, Lines 45-51) would be capable of stripping a photoresist. This rejection is

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based on the fact the apparatus structure taught by Henley et al. and Ishii et al. has the inherent capability of being used in the manner intended by the Applicant. When a rejection is based on inherency, a rejection under 35 U.S.C. 102 or U.S.C. 103 is appropriate. (See *In re Fitzgerald* 205 USPQ 594 or MPEP 2112).

In regards to Claim 12, Henley et al. teaches a wet clean chamber 305. (Column 17, Line 53 - Column 18, Line 12)

In regards to Claim 23, again, it has been held that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

In regards to Claim 24, Henley et al. teaches wafer handling apparatus 20.

**4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henley et al. in view of Ishii et al. as applied to Claim 1 above, and further in view of U.S. Patent 6,643,557 to Miller et al.**

The teachings of Henley et al. and Ishii et al. were discussed above. Henley et al. additionally teaches a process controller 31.

The combination of Henley et al. and Ishii et al. does not expressly teach an optical metrology chamber for obtaining a measurement of ion implantation in a workpiece, and coupled to the process controller.

Miller et al. teaches an optical metrology chamber 150 (Column 4, Lines 44-48) for obtaining a measurement of ion implantation in a workpiece (Column 8, Lines 34-37) and coupled to a process controller 130.



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It would have been obvious to one of ordinary skill in the art to modify the combination of Henley et al. and Ishii et al. to include an optical metrology chamber coupled to the process controller. The motivation for doing so, as taught by Miller et al. (Column 8, Lines 36-39), would have been to allow for adjustment of ion implantation dosage on subsequent ion implantation processes.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**6. Claims 1-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 52-58, 70, 73, 74, 79, and 81-83 of copending Application No. 10/646,467 ('467).**

**Although the conflicting claims are not identical, they are not patentably distinct from each other because:**

The corresponding claims of '467, while reciting a method, recite all of the structural limitations of the instant claims, and thus render them obvious:

Claim 1 is rejected over Claim 1 of '467. Claim 2 is rejected over Claim 70 of '467. Claim 5 is rejected over Claim 73 of '467. Claim 6 is rejected over Claim 74 of '467. Claim 8 is rejected over Claim 83 of '467. Claim 10 is rejected over Claim 79 of '467. Claims 11 and 12 are rejected over Claims 81 and 82 of '467. Claims 13-15 are rejected over Claims 2-4 of '467. Claims 16-22 are rejected over Claims 52-58 of '467.

Further in regards to Claims 1, 23, and 24, it has been held that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)

The provision of a wafer transfer apparatus is considered to have been obvious to one of ordinary skill in the art, in order to move the wafer from process to process.

As discussed above, the process limitations of Claims 3, 4, 7, and 9 do not carry patentable weight in the recited apparatus claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

**7. Claims 1-4 and 6-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 31-33 of copending Application No. 10/646,528 ('528) in view of Henley et al.**

Claim 1 of '528 recites all of the limitations of Claim 1 of the instant application, except for a wafer transfer apparatus and a second process chamber.

In regards to Claims 1, 2, 6, and 10-12, Henley et al. teaches a wafer transfer apparatus and a second process chamber of any of the types recited in Claims 2, 6, and 10-12.

It would have been obvious to one of ordinary skill in the art to modify the apparatus taught by '528 to include a wafer transfer apparatus and any of the second process chambers taught by Henley et al. The motivation for doing so would have been to perform various types of pre- and post-processing on the ion implanted workpiece.

Claims 31-33 and 2-8 of '528 recite all of the limitations of Claims 13-15 and 16-22 of the instant application, respectively.

In regards to Claims 8, 23, and 24, it has been held that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)

As discussed above, the process limitations of Claims 3, 4, 7, and 9 do not carry patentable weight in the recited apparatus claims.

This is a provisional obviousness-type double patenting rejection.

**8. Claim 5 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/646,528 ('528) in view of Henley et al. as applied to Claim 1 above, and further in view of Miller et al.**

The teachings of Claim 1 of '528 and Henley et al. were discussed above.

The combination of Claim 1 of '528 and Henley et al. does not expressly teach an optical metrology chamber for obtaining a measurement of ion implantation in a workpiece, and coupled to a process controller.

Miller et al. teaches an optical metrology chamber 150 (Column 4, Lines 44-48) for obtaining a measurement of ion implantation in a workpiece (Column 8, Lines 34-37) and coupled to a process controller 130.

It would have been obvious to one of ordinary skill in the art to modify the combination of Claim 1 of '528 and Henley et al. to include an optical metrology chamber coupled to a process controller. The motivation for doing so, as taught by Miller et al. (Column 8, Lines 36-39), would have been to allow for adjustment of ion implantation dosage on subsequent ion implantation processes.

This is a provisional obviousness-type double patenting rejection.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen G. Arancibia whose telephone number is (571) 272-1219. The examiner can normally be reached on core hours of 10-5, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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